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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,298	02/27/2004	Wen Zhao	0108-0241/US	7620

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RESEARCH IN MOTION, LTD  
102 DECKER CT.  
SUITE 180  
IRVING, TX 75062

EXAMINER
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BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/789,298

Applicant(s)

ZHAO ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date see 1449s.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 34-37 have been renumbered 33-36.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmusto (US 5,809,018) in view of Chakraborty et al. (US 2005/0176454).

Regarding claims 1, 16, 25 and 33, Lehmusto discloses a cellular server of a wireless communication network, including one or more processors 205; memory 209; computer instructions stored in memory; the one or more processors being operative in accordance with the computer instructions to facilitate cellular communication sessions between mobile stations by maintaining a first cellular communication session between a first user group; and concurrently maintaining a second cellular communication session between a second user group, the second

user group having at least one common member with the first user group. See FIG. 2 and col. 4, line 36-63.

Lehmusto fails to disclose that the group communication is a push-to-talk-over-cellular (PoC) communications. In an analogous art, Chakraborty discloses cellular telephone group calls in PoC communications. See paragraph 7, lines 1-6. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Lehmusto by incorporating it into a PoC system for the purpose of allowing users of trunked communications to use the cellular system.

Regarding claims 2, 17 and 26, Lehmusto discloses that the second user group has at least one member which is not included in the first user group. See col. 4, lines 24-34.

Regarding claims 3, 18 and 27, Lehmusto discloses that all members of the second user group are included in the first user group. See col. 5, lines 3-12.

Regarding claims 4, Lehmusto discloses the method being performed by a server of a communication network. See FIG. 3 and col. 5, lines 32-46.

Regarding claims 5, Lehmusto discloses the method being performed by a mobile station corresponding to the at least one common member. See col. 4, lines 24-34.

Regarding claims 6, Lehmusto discloses that the method is embodied in a computer program product including a computer storage medium and computer instructions stored in the computer storage medium. See col. 6, lines 1-23.

Regarding claims 7, 19 and 28, Lehmusto discloses that prior to concurrently maintaining the second group communication session, receiving or sending an invitation for the second group communication session; and wherein the act of concurrently maintaining the second group

communication session is in response to an invitation acceptance to the second group communication session. See col. 6, line 34-48.

Regarding claims 8, 20, 30 and 34, Lehmusto discloses receiving an end user selection for communications associated with only one of the first and the second group communication sessions at a time; and in response to the end user selection, causing data packets of only the selected group communication session to be processed for communications. See col. 5, lines 47-67.

Regarding claims 9, 21, 31 and 35, Lehmusto discloses receiving an end user selection for communications with both the first and the second group communication sessions at the same time; and in response to the end user selection, causing data packets of both the first and second group communication sessions to be processed for communications. See col. 6, lines 42-48.

Regarding claims 10 and 22, Lehmusto discloses the method being performed by a mobile station which corresponds to the at least one common member, the method further including during the maintaining of the first and the second communication sessions receiving first data packets of the first communication session and second data packets of the second communication session; and causing audible signals of only one of the first and the second communication sessions to be heard at the mobile station. See col. 7, lines 27-49.

Regarding claims 11 and 23, Lehmusto discloses the method being performed by a mobile station which corresponds to the at least one common member, the method further including during the maintaining of the first and the second communication sessions receiving first data packets of the first communication session and second data packets of the second

communication sessions; and causing audible signals of the first and the second communication sessions to be heard simultaneously at the mobile station. See col. 7, lines 10-20.

Regarding claims 12 and 24, Lehmusto discloses the method being performed at a server location, the method further including during the maintaining of the first and the second communication sessions receiving first data packets of the first communication session and second data packets of the second communication session; and sending only one of the first and the second data packets to the at least one common member. See col. 7, lines 10-26.

Regarding claims 13, Lehmusto discloses the method being performed at a server location, the method further including during the maintaining of the first and the second communication sessions receiving first data packets of the first communication session and second data packets of the second communication sessions; causing audible signals of the first and the second communication sessions to be combined into resulting data packets; and sending the resulting data packets to the at least one common member. See col. 7, lines 50-62.

Regarding claims 14, Lehmusto discloses receiving encrypted data packets of the second communication session; if a key for the encrypted data packets for the second communication session is known, decrypting the encrypted data packets for the second communication session; and if the decryption key of the encrypted data packets for the second communication session is unknown, refraining from decrypting the encrypted data packets for the second communication session. See col. 6, lines 49-67.

Regarding claims 15, Lehmusto discloses that visually displaying an indication which indicates which one of the first and the second group communication sessions is being processed for communications. See col. 2, lines 33-50.

Regarding claim 29, Lehmusto discloses that the one or more processors are further operative for, during the maintaining sending data packets of the first communication session to the at least one common member; and sending data packets of the second communication session to the at least one common member. See col. 8, lines 4-34.

Regarding claim 32, Lehmusto discloses that the one or more processors are further operative to receiving encrypted data packets of the second communication session. See col. 6, lines 49-67.

Regarding claim 36, Lehmusto discloses visually displaying which one of the first and the second group communication sessions is being processed for communications. See col. 2, lines 33-50.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Willey et al. (US 2005/0141464) discloses slot reservations in a PoC system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER